STATEMENT OF HON. WILLIAM H. FRIST, M.D., A U.S. SENATOR FROM THE STATE OF TENNESSEE AND MAJORITY LEADER OF THE UNITED STATES SENATE, ON THE OPENING DAY OF THE CONFIRMATION HEARING ON THE NOMINATION OF JOHN G. ROBERTS, JR. TO BE CHIEF JUSTICE OF THE UNITED STATES

WASHINGTON, D.C. - U.S. Senate Majority Leader Bill Frist, M.D. (R-TN) submitted the following statement for inclusion in the committee record today regarding the Senate Judiciary Committee hearing of John Roberts to be Chief Justice of the Supreme Court of the United States. The public hearing began today with opening statements given by committee members and Judge Roberts:

"Mr. Chairman and members of the Committee, I would like to take this opportunity to express my sincere gratitude to you and to your staffs for your hard work in preparing for this hearing on the nomination of John Roberts as Chief Justice of the United States. I applaud all the members of the Committee for committing significant time and staff resources to this process. I also appreciate the Committee's cooperation and flexibility as we rescheduled the hearings to accommodate the funeral arrangements for the late Chief Justice William Rehnquist.

"Despite the postponement of the hearings, our ultimate goal in the Senate remains unchanged: to vote up or down on Judge Roberts' nomination before the Supreme Court begins its new term on October 3rd. With the passing of Chief Justice Rehnquist last week, accomplishing this goal takes on even greater importance. The Chief Justice plays an enormous and vital role in the management and administration of the Court. I'm grateful that the revised hearing schedule will keep the Senate on track to have the Court at full strength when it reconvenes.

"Today truly marks an historic day in the United States Senate, as it has been over 11 years since this body has exercised its constitutional responsibility to provide advice and consent to the President on a Supreme Court nominee. And it has been even longer - 19 nineteen years -- since we have considered a nominee for Chief Justice of the United States. Confirming a Chief Justice to sit on the highest court in the land is among the most consequential of our tasks as Senators. The American people have entrusted us to undertake this monumental task, and it's my hope that we will perform it well. Our fellow citizens expect us to conduct a respectful and expeditious confirmation process, including a thorough hearing and floor debate and then a fair up or down confirmation vote.

"As the Majority Leader of the Senate, I would like to add my voice to the chorus of endorsements for John Roberts to serve as the Chief Justice of the United States. While Judge Roberts has big shoes to fill, I am confident that he will serve with honor and distinction -- as his mentor, friend, and predecessor, William Rehnquist, did throughout his three decades of service on the high Court. I understand that Judge Roberts was extremely close to the Chief, and I want to extend my heartfelt sympathy to him for this great loss. I know that Judge Roberts is honored to receive the nomination to replace such a distinguished American.

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"I've had the privilege of meeting Judge Roberts personally, and I have studied his academic and professional record. In every aspect, I have been impressed. He is honest, thoughtful, and intelligent. Judge Roberts' credentials prove beyond a doubt his fitness to serve on the Supreme Court. He has an impressive academic background. He graduated at the top of his class from both Harvard College and Harvard Law School, and earned the coveted position as editor of one of the most well-respected law journals in the country. His legal career has been equally as impressive. Having argued 39 cases before the Supreme Court, he has earned bipartisan respect as one of the finest appellate advocates in the nation. And, he has been given the highest rating possible - "well-qualified" -- from the American Bar Association on three occasions - twice for his nomination to the D.C. Circuit Court of Appeals and most recently to serve on the Supreme Court.

"After getting to know Judge Roberts and studying his record, it's crystal clear to me that the President made an excellent choice when he selected John Roberts to replace William Rehnquist as the Chief Justice of the United States. Just two years ago, this body unanimously confirmed Judge Roberts' nomination to serve on the D.C. Circuit, and I am hopeful that later this month we will once again confirm his nomination with such overwhelming bipartisan support - this time to lead the Supreme Court. As Chief Justice on our highest Court, I'm confident that John Roberts will serve with distinction, as he has on the appellate bench.

"During the past few months in the Senate, we have talked extensively about the judicial confirmation process and the qualities that make an individual a good judge. I think all of my colleagues would agree that a judge should be fair, open-minded, unbiased, and committed to faithfully interpreting the Constitution. I believe that Judge Roberts embodies each of these qualities. Judge Roberts appreciates the role of a judge is to interpret the law and not to legislate from the bench, and he decides each case based on the facts, the law and the Constitution - not any personal political views.

"John Roberts' extensive legal experience, outstanding record of public service and his distinguished tenure on the D.C. Circuit make him an ideal candidate to serve on the highest Court in the land. Above all, he's a good and honest person—a man of principle, integrity, and character, a devoted husband, and a loving father.

"John Roberts is the type of Supreme Court nominee that America needs, and he deserves the courtesy of a fair confirmation process. As the committee proceeds with questioning over the next few days, I urge my colleagues to treat Judge Roberts with the dignity and respect that he deserves. I am hopeful that the hearings will be fair and thoughtful, and that Members will not ask Judge Roberts to compromise his judicial independence by requiring him to pre-judge cases and issues that may come before the high Court.

"Mr. Chairman, again, thank you for your leadership. I commend the Committee for your commitment to conducting a fair and respectful confirmation process. I urge my

colleagues on this Committee to support John Roberts' nomination to serve as Chief Justice of the United States, to favorably report his nomination to the full Senate and to vote up or down to confirm him on the floor. And to you, Judge Roberts, I look forward to reading the opinions of the "Roberts Court" for years to come."

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